

1 HB436
2 106207-2
3 By Representatives Martin, Vance, Keahey, Barton, McClendon,
4 Treadaway, Morrow, Hill, Gipson, Guin, Canfield and Lindsey
5 RFD: Constitution and Elections
6 First Read: 05-FEB-09
7 PFD: 02/05/2009

SYNOPSIS: Under Article VIII of the Constitution of Alabama of 1901, now appearing as Article VIII, Section 177 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, a citizen loses the right to vote if convicted of a felony involving moral turpitude.

This bill would create the Definition of Moral Turpitude Act.

This bill would provide for legislative findings and purposes and would provide a definition of moral turpitude that lists the crimes which disqualify otherwise eligible citizens from voting.

A BILL
TO BE ENTITLED
AN ACT

To create the Definition of Moral Turpitude Act; to provide for legislative findings and purposes; and to provide

1 further for Chapter 3 of Title 17 of the Code of Alabama 1975,
2 by adding a new Section 17-3-30.1 to list the offenses that
3 constitute a felony involving moral turpitude.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall be known and may cited as
6 the Definition of Moral Turpitude Act.

7 Section 2. (a) The Legislature finds that:

8 (1) Article VIII of the Constitution of Alabama of
9 1901, now appearing as Article VIII, Section 177 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended, provides that Alabama citizens shall lose the
12 right to vote because of a criminal conviction only if the
13 conviction was for a "felony involving moral turpitude."

14 (2) Under current Alabama felony disenfranchisement
15 law, there is no comprehensive list of disqualifying felonies.
16 Neither individuals with felony convictions, nor elections
17 officials, have any authoritative source for determining which
18 convictions result in disenfranchisement.

19 (3) In the absence of an authoritative list of
20 disqualifying offenses, many eligible Alabama citizens have
21 been unlawfully excluded from the franchise. It is now widely
22 documented that many county registrars have denied voting
23 rights to all otherwise-eligible voters with a felony
24 conviction, whether or not the conviction involved moral
25 turpitude.

26 (4) In 2006, the Circuit Court of Jefferson County,
27 Alabama, ruled that Alabama's practices violate the United

1 States Constitution as well as the Alabama Constitution by
2 relying on a vague standard for denying voting rights. The
3 circuit court called on the Legislature to remedy those
4 violations by precisely defining which crimes disqualify
5 otherwise-eligible citizens from voting.

6 (b) The purposes of this act are:

7 (1) To give full effect to Article VIII of the
8 Constitution of Alabama of 1901, now appearing as Article
9 VIII, Section 177 of the Official Recompilation of the
10 Constitution of Alabama of 1901, as amended.

11 (2) To remedy ongoing constitutional violations
12 under current law.

13 (3) To ensure that no one is wrongfully excluded
14 from the franchise.

15 Section 3. Section 17-3-30.1 is added to Chapter 3,
16 Title 17, Code of Alabama 1975, to read as follows:

17 §17-3-30.1.

18 For purposes of Article VIII of the Constitution of
19 Alabama of 1901, now appearing as Article VIII, Section 177 of
20 the Official Recompilation of the Constitution of Alabama of
21 1901, as amended, a person is disqualified to vote by reason
22 of conviction of a "felony involving moral turpitude" which
23 includes only the following offenses committed in a degree
24 constituting a felony:

25 Code Section

Common Name

1	Title 14, Section 314, Code of	
2	Alabama 1940	MURDER CAPITAL (OLD CODE)
3	13A-5-40 (a) (1)	MURDER CAPITAL - KIDNAP
4	13A-5-40 (a) (10)	MURDER CAPITAL - TWO OR MORE PER
5	13A-5-40 (a) (11)	MURDER CAPITAL - PUBLIC OFFICIAL
6	13A-5-40 (a) (12)	MURDER CAPITAL - AIRPLANE HIJACK
7	13A-5-40 (a) (13)	MURDER CAPITAL - 20YR PRIOR CON
8	13A-5-40 (a) (14)	MURDER CAPITAL - WITNESS
9	13A-5-40 (a) (15)	MURDER CAPITAL - UNDER 14 YEARS
10	13A-5-40 (a) (16)	MURDER CAPITAL - DWELL FR OUTSIDE
11	13A-5-40 (a) (17)	MURDER CAPITAL - VEH FR OUTSIDE
12	13A-5-40 (a) (18)	MURDER CAPITAL - FIRED FROM VEHICLE
13	13A-5-40 (a) 2)	MURDER CAPITAL - ROBBERY
14	13A-5-40 (a) (3)	MURDER CAPITAL - RAPE/SODOMY
15	13A-5-40 (a) (4)	MURDER CAPITAL - BURGLARY
16	13A-5-40 (a) (5)	MURDER CAPITAL - LAW OFF/GUARD
17	13A-5-40 (a) (6)	MURDER CAPITAL - LIFE SENTENCE
18	13A-5-40 (a) 7)	MURDER CAPITAL - FOR HIRE
19	13A-5-40 (a) (8)	MURDER CAPITAL - SEXUAL ABUSE

1	13A-5-40 (a) (9)	MURDER CAPITAL - ARSON
2	13A-6-2	MURDER
3	13A-6-2 (a) (2)	MURDER - RECKLESS/VEHICLE
4	13A-6-2 (a) (3)	FELONY MURDER
5	13A-6-3	MANSLAUGHTER
6	13A-6-20	ASSAULT 1ST DEGREE
7	13A-6-20 (a) 5	ASSAULT 1ST DEGREE (LIQUOR)
8	13A-6-21	ASSAULT 2ND DEGREE
9	13A-6-61	RAPE 1ST DEGREE
10	13A-6-62	RAPE 2ND DEGREE
11	13A-6-63	SODOMY 1ST DEGREE
12	13A-6-64	SODOMY 2ND DEGREE
13	13A-6-65.1	SEXUAL TORTURE/ABUSE
14	13A-6-66	SEXUAL ABUSE 1ST
15	13A-6-67	SEXUAL ABUSE 2ND DEGREE
16	13A-6-69	ENTICING CHILD TO ENTER
17	13A-6-69.1	SEX ABUSE - CHILD LESS 12 YOA
18	13A-6-110	SOLICITATION OF CHILD BY COMPU
19	13A-7-5	BURGLARY 1ST DEGREE

1	13A-7-6	BURGLARY 2ND DEGREE
2	13A-7-7	BURGLARY 3RD DEGREE
3	13A-8-3	TOP1 - SHOPLIFTING
4	13A-8-3	THEFT BY DECEPT 1ST
5	13A-8-3	THEFT OF PROP 1ST
6	13A-8-3	THEFT 1ST DEG - CHARITABLE ORG
7	13A-8-4	TOP2 - SHOPLIFTING
8	13A-8-4	THEFT/DECEPTION 2ND
9	13A-8-4	THEFT OF PROP 2ND
10	13A-8-4	THEFT 2ND DEG - CHARITABLE ORG
11	13A-8-7	THEFT LOST PRY 1ST
12	13A-8-8	THEFT LOST PRY 2ND
13	13A-8-10.4	THEFT TRADE SECRET/TRADMARK
14	13A-8-10.4	THEFT TRADE SECRET/TRADMARK
15	13A-8-41	ROBBERY 1ST
16	13A-8-42	ROBBERY 2ND
17	13A-8-43	ROBBERY 3RD
18	13A-9-2	FORGERY 1ST
19	13A-9-3	FORGERY 2ND

1	13A-11-2	TREASON
2	13A-12-191	PORN OBSCENE MATTER DISPLAY MI
3	13A-12-192 (a)	PORN INTENT TO DISTRIBUTE
4	13A-12-192 (b)	PORN POSS MATERIAL MINORS
5	13A-12-196	PORN PARENT/MINORS IN SEX
6	13A-12-197	PORN-PRODUCING W/MINORS
7	13A-12-200.2 (1)	OBSCENE MATERIAL-DIST/POSS
8	13A-12-200.2 (2)	OBSCENE MATERIAL-DIST/POSS WHO
9	13A-12-200.2 (3)	OBSCENE MATERIAL-PRODUCE
10	13A-12-211	UNLAW DISTRIB/FURN CONT SUBST
11	13A-12-211	SALE COCAINE
12	13A-12-211	SALE MARIJUANA
13	13A-12-213	POSS MARIJUANA 1ST
14	13A-13-001	BIGAMY
15	13A-13-003	INCEST

16 Section 4. This act shall become effective on the
 17 first day of the third month following its passage and
 18 approval by the Governor, or its otherwise becoming law.